

#### **401 KAR 5:035. Treatment requirements; compliance.**

RELATES TO: KRS 224.70-100, 224.70-110

STATUTORY AUTHORITY: KRS 224.10-100(17)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation defines minimum treatment requirements and mandates that all persons discharging pollutants through point sources shall apply these measures, or more stringent as required, to meet water quality standards by certain dates.

Section 1. Applicability. The provisions of this administrative regulation shall apply to all discharges to surface waters of the Commonwealth as defined in [401 KAR 5:029](#), Section 1(1)(bb).

Section 2. Treatment Requirements. (1) All persons who discharge through a point source shall, as a minimum, apply the secondary treatment, or equivalent, considering such factors as the total cost of the application of such technology in relation to the effluent reduction benefits to be achieved; the age of the equipment and facilities involved; the process employed; the engineering aspects of the application of various types of control techniques; nonwater quality environmental impact; and such other factors as the cabinet considers appropriate to treatment facilities not later than July 1, 1977.

(2) All persons who discharge through a point source shall apply the best available waste control technology, or equivalent, not later than July 1, 1984, or three (3) years following the promulgation of applicable categorical or water quality criteria effluent limitations in the Federal Register. In determining what is best available waste-control technology, the factors in subsection (1) of this section shall be considered. In addition, any operating and maintenance procedures, schedules of activities, prohibitions of activities, and other management practices to control site run-off, spillage, leaks, sludge or waste disposal, or drainage from raw material storage may be imposed in addition to or in the absence of other applicable standards and limitations.

Section 3. The cabinet may deny, revoke, or modify a permit to any applicant where the discharge in the judgment of the cabinet does not conform to the policy of the Commonwealth of Kentucky as set forth in [KRS 224.70-100](#).

Section 4. The provisions of this administrative regulation shall be unseverable with the provisions of 401 KAR 5:026, 401 KAR 5:029, and 401 KAR 5:031. (WP-6-2; 1 Ky.R. 762; eff. 7-2-75; Am. 5 Ky.R. 812; 6 Ky.R. 348; eff. 12-5-79.)